App. F. IX-4

1925-28 (Prision)

File No. 59-25

*Previous References*

Prision 46-28 (143)

Serial Nos.

*Later References*

Preserve

B/25

# General and Revenue Secretariat.

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*Serial Nos.* one

**Part B for** September

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SUBJECT

Amendment of the Indian act.

G.R.S. III—3]

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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1) Draft-Rules for appt a
other orders with ref
Secy to Mandatory Deva
remarks on the Gazette
17.3.25 & Letter dy 17th Feb 25

K6
18/3.

To

The dy comptroller
Nos 5244. dy 21.3.25
Calls for the proposals
with full reasons in respect of
the recent amendment of
the Indian Prisoners Act
may be adopted in Mysore

Letter No: 1043/200-19 dy 12.8.25
from the dy Secretary for ordering a
memo in connection with the
amendments that are to be
made in the Prisons Act of 1870
which is in force in Mysore.

Read the orders. This may now
be sent to the Legislative for their
scrutiny & taking necessary steps
for introducing the bill in.
R.P.L.C.

2) The dy's proposals

Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

is based on the British Indian Laws Act — 1894 & the amending Act no 19 of 1925. ~~No~~ ~~Indian~~ must first be ascertained if the latter has been passed into Law & so in what form. It is also necessary to obtain a few copies each of the Acts to facilitate the preparation of a draft amending Bill here.

4/ Under standing orders the principles underlying the required legislation have to be first decided in the administrative branch, before the Legve Secn is asked to draft a Bill. Yes

Dec 1928 5/ Since the Amendments proposed by the Resolutions are based not only on the Bor. Indian Act of 1874

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted o

G. R. S. III—6]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

routine notes be written on small slips.
notes must be copied, or slips pasted on
orm.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent rec

If approved four copies each Prisons Act, IX of 1894 & the Whipping Act XVII of 1909 will be ordered hereform the Superintendent, Printing, Delhi. After copies are received the proposals will be worked out in case copies facilitate consideration.

2/

10 Yes. Bill has been passed into law as Act XVII of 1920 (N.W.F.) Four copies of this & the Prisons Act may be obtained for taking up the question of amendment as proposed by Govt. of Punjab.

27/8

81 8

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form.

After approval, the draft will be sent to the Library for issue

To the Supdt. Pro, through the Library, for issue of the draft & return of the file

G. R. S. III—6]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

but also on the Bill which is in debate in 1925, it is better to await the latter Bill being passed into Law in Southern India before action is taken here. For any amendments made either by the Select Committee or by the Legislative Council, once for all the introduced in response

20/8

(Mr. Craig) very large paper but as the Hon'ble Secy has to undertake resp. of issuing as soon as the Bill is passed

20/8

25/8

Mr. Craig

I have invited his attention to the pasting of the sheet on which page the Bill stands

25/8.

The Bill has been passed into Law as Act XVII of 25.

Vide Govt. of India Gazette Extraordinary

—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

16) Submitted for orders. Draft is put up by Mr. Roth

17) May the draft issue

4.9.25

18) Issue CBS

6.9.25

Issued. N.O.C. 6259 8.9.1925

File with

19) To the Protection Branch.

CBS 6.9.25

Read.

Copies of the Ind: Prizes Act of 1894 & the Amending Act of 1925 have been received & placed here for consideration under which the Govt. hydrographic should be supplied here in the ordinary course, in which case action has presumably been taken in the Legislative Dept. to secure the enforcement of the Ind: Act of 1894 & the Amending Act of 1925 — seems to have been touched upon by Mr. Price in his memo of 12.8.25 — as to this.

Serial No

Subd 22)

The Dy. has practically suggested the adoption of the Br. Act 1896 with the latest amendments, making such alterations to suit Mysore.

But in sec. 3 the Dy. wants to omit the old definitions of 'Justice', 'Criminal Justice', and 'Civil Justice', wherein they have undergone changes in the Mysore which may perhaps be adopted here

Sec: 9 of the old Act of Salaries which has been done away with in the new Br. Act, has been recommended the retained, which is perhaps necessary in view of the executive nature of the same.

In sec 11 - the old wording is desired to be adopted, but it is perhaps better to adopt the Br. Law wording

In the Br. Act of 1896, sec 19 of this act has been omitted, but the Dy. wants it retention.

This perhaps better to adopt in part the Br. Act wording for sec: 21 & 22.

The wording of Sec 40 of the Br. Act 1896 may perhaps be adopted here also to avoid similar concession being demanded from the public in future

The Dy. wants to retain the wording in the old Act: sec 4 & 5, but the wording of the

725 V
P

neral and Revenue Secretariat | File No.

Serial No

Br. Act-1894 seems to be better suited for the working of the Br. Act-1894 as sections 45, 49, 59, 61, 103 may perhaps be adopted ...

Section 78 ... has been omitted as being perhaps unnecessary, as also section 88 of the old Act.

Cases 7.12.25 — 23) The Dfg Prisons has in the memo accompanying his letter dt 12/8/25 suggested the changes that maybe made in the Prisons Act of 1870 now in force in Mysore, with reference to the changes made in British India by the Act of 1894 as amended by the Act of 1925. His proposals are (i) to retain some sections of the existing Act as they are, (ii) to make verbal changes in some sections, based on the Indian Act or otherwise, and (iii) to adopt some sections of the Indian Act in place of the corresponding sections in the existing Act.

24) The practice generally is to have the latest British Indian Act as the basis and adopt it with necessary alterations to suit local conditions. So it would have been better if the Dfg had indicated with what changes the Indian Act might be adopted here.

25) If the lines of amendment proposed by the Dfg are considered suitable, a draft bill will be prepared accordingly, with an explanatory Stat indicating the principles of the main changes recommended. If however it is considered better to adopt the Br Indian Act of 1894 with the necessary

Serial No

Changes, the Govt will be asked to suggest those changes.

26) A copy of the British Indian Act of 1894 as amended by the Act of 1925 is placed below The Act of 1870 now in force in Mysore is given on pages 5 to 15 of the Mysore ~~Code~~ Jail Manual Vol II.

Subd for orders

Upon 411

27) Should not this be first dealt with in the Treasury Section & approval of members the Council of H.H. Lakh first? Please put up the recent order in this behalf

K 20/3

H.2 2/3

(Ref 2310-7 CB165-251 26-11-26.

28) Submit with a copy of the Rule &c. in force on the subject.

29) The necessity for, & lines on which, a proposed legislation is to be undertaken have first to be determined in the administrative department concerned & then considered in Council & approval of the Govt obtained to the proposed legislation

30) The draft Bill has finally to be sent to the legislative Secretary only for Scrutiny.

Serial No.

31) Subd for ord.
Inward
23.3.26
Ind

(32) The memorandum from the Jt. Sy of Prisons may be subd to the Member for visits as to the lines on which the law in the State may be changed. Draft acknowledgment be put up.

Sec
25/3

Secy

I have made a very hasty comparison of the Mysore Prisons Act of 1870 and the Suggestions of the J. G. of Prisons with the Bo. Indian Prisons Act of 1894 as amended in 1925 and the J. G. of Prisons' Suggestions generally seem to Please take a copy of our Act and incorporate in them the Suggestions of the J. G. P. and put up. Matter is treated as urgent.

27/3.

28/3.

Mr. Foster comes to see me 29/3

Hon. V.

33) A copy of Vol II of the Jail Manual with the additions & alterations proposed in the interleaves is subd herewith

Inward
16.4.26
Ind

Secy,

28/4
27/4

Section Pris

File No.

Diary No. of letter replied to ...

. Seria. No.

No. 05244

General and Revenue Secretariat

( )

, the 192

To The Govt. of Pondicherry

Date of issue 21/3/25

Signed by M. J.

Sir,

I am directed to request you to be good enough to state whether the recent amendment of the Local Funds Act may be adopted in Yanam. If so proposals with full reasons for the same may be submitted for the consideration of Govt.

List of enclosures

Thanks

Copied by

Examined by

18/3/25

17-3-25

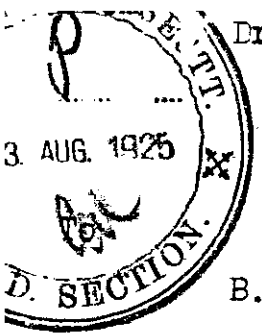
over

Encl. one.

in Mysore,

Dated Bangalore, 12th August 1925.

Pris 59-25




Dr. B. Mahomed Usmon, L.M.S.,
Inspector-General of Prisons
in Mysore, Bangalore.

B.Nagappa, Esqr., Bar-at-law.,
Secy. to Govt: Local and Legis: Dep
Bangalore.

Sir,

With reference to your letter No.P.5244/Pris dated 21st March 1925 enquiring whether the recent amendment of the Indian Prisoners' Act may be adopted in Mysore and if yes, requesting to submit proposals w reasons therefor, I have the honour to forward herewit a memo incorporating all the amendments that are to be made to the Prisons Act of 1870, which is in force at present in the State.

I have the honour to be,
Sir,
Your most obedient servant,
Mahomed Usmon

avl./10-8

## Chapter I.

The Prisons Act No. XXVI of 1870 is in force in Mysore but in the British Territory Prisons Act of 1894 is in force and as the latter contains many new provisions which are neces for the administration of Jails these are considered along wi British Bill No. 19 of 1925 for further amending the Prisons A of 1894.

3. (1) The definition of 'Prison' does not require any alteration.

(2) Definition of 'criminal prisoner' does not require a alteration.

(3) Definition of 'convicted criminal prioner' given in the British Act may be adopted as the Mysore Definition does not comprise prisoners by Cou Martial and those under the security Sections

(4) Definition of 'civil prisoner' does not require any alteration.

(5) 'Remision system',
(6) History Ticket..
(7) Inspector-General..
(8) Medical Subordinate.
(9) Prohibited Article.

All these definitions given the British Act may be adopted The Manual deals with these questions without any support from the Act.

## Chapter II.

Maintenance and Officers of Prison.

4. Mysore Section does not require any alterations.

5. Section 6 of the Mysore Act may come here and renumbered 5 but in places of "Governor-General in Council", "Government of H.H. the Maharaja of Mysore" may be substituted.

6. Section 7 of the Mysore Act may come here and renumbered 6 but after superintendent and Medical Officer in brackets " a medical subordinate" may be inserted. In para 2 in pla of "Governor-General in Council", "Government of H.H. the Maharaja of Mysore" may be substituted.

7. Section 8 of the Mysore Act may come here and renumbered 7.

8. Section 9 of the Mysore Act may come here and renumbered 8.

9. Section 5 of the Mysore Act may come last and renumbered 9. ( This would be the natural order. See British Act.)

## Chapter III.

### Duties of Officers.

10. Section 10 may stand.

11. Section 11 may stand but after the last word 'prisoner' the words " or have any money or other business dealings directly or indirectly with any prisoner" may be inserted because this is larg practiced in the prison.

12. Section 12 may stand but after the word 'sale' the words "or purchase" may be inserted as provision against purchase is not rade in the Mysore Act. The figure "54" may be substituted by fig '64" as it bears this number in revision.

### Superintendent.

13. Rule 13 in Mysore Act may stand but the word "Deputy Commiss: er" may be substituted by " District Magistrate" as the word Deputy Commissioner refers to a Revenue Officer.

### Medical Officer.

14. Rule 14 in the Mysore Act may stand.

15. Rule 15 of the Mysore Act may stand.

16. Rule 16 of the Mysore Act may be replaced by Rule 15 of the British Act as the latter contains more necessary items and this Section may be renumbered Section 16.

17. Section 17 of the Mysore Act does not require any alterations

### Jailor.

18. Section 18 of the Mysore Act may stand.

19. Section 19 of the Mysore Act may stand.

20. Section 20 of the Mysore Act may stand.

21. Section 21 of the Mysore Act may stand but in place of the figure "54" the figure "64" may be substituted as it bears this number in revision.

22. Section 22 of the Mysore Act may stand.

23. Section 23 of the Mysore Act may stand.

24. Section 24 of the Mysore Act may stand.

25. Section 25 of the Mysore Act may stand.

26. Section 26 of the Mysore Act may stand.

27. Section 23 of the British Act may be adopted and numbered 27

as it is necessary that convict warder guards who do responsil duties should be protected.

## Chapter IV.

28. Section 27 of the Mysore Act may be replaced by Section 24, 1, 2, 3, of the British Act as it contains fuller details and it may be numbered 28.

29. Section 28 of the Mysore Act may stand and renumbered Section 29.

30. Section 29 of the Mysore Act may stand and renumbered 30.

## Chapter V.

Discipline of prisoners.

31. Section 30 of the Mysore Act may stand and renumbered 31.

32. Section 31 of the Mysore Act may be deleted and section 28 of the British Act may be adopted and renumbered 32 as the British Section is more definite.

33. Section 32 of the Mysore Act may be deleted and section 29 of the British Act adopted and renumbered 33 as it is - necessary that such prisoners should be visited by the Med Officer or his subordinate.

34. Section 33 of the Mysore Act may stand and renumbered 34.

## Chapter VI.

35. Section 34 may stand and it may be renumbered 35 but the words "and an unconvicted criminal prisoner" shall be inse after the words " A civil prisoner" as the former may simil ly get food and clothing.

36. Section 35 of the Mysore Act may be deleted and Section 32 of the British Act substituted and numbered 36, as it applies t both civil and unconvicted criminal prisoners and provision is made against giving and hiring.

37. Section 36 of the Mysore Act may be renumbered 37. After "C 'risoner" insert " and unconvicted criminal prisoner" in para 1. n place of para 2 in this section para 2 of section 33 of the ritish Act may be substituted but the words " and bedding" may be deleted as bedding charges are now part and parcel of sub istence allowance. A time is also fixed for

Section and this is very necessary.

Chapter VII.

38. Section 37 of the Mysore Act may stand but renumbered 38.

39. Section 38 of the Mysore Act may be deleted and Sec: 35,1,2, of the British Act may be adopted and numbered 39 since this section contains more details than the Mysore Section.

40. Section 39 of the Mysore Act may stand and renumbered 40.

Chapter VIII.

Health of Prisoners.

41. Section 40 may remain but it may be renumbered 41 but after "Medical Officer or "insert "or Medical Subordinate" in the first para. In para 2 after "The Medical Officer" the words "or Medical Subordinate" may be inserted. In para 3 after t words "Medical Officer" the words "Or Medical Subordinate" may be inserted(as the Medical Subordinate is a Residential Offic

42. Section 41 may be renumbered 42 but after "Medical Officer" in the first sentence insert "or Medical Subordinate" becaus the Medical Officer is not so easily available as the - Subordinate Medical Officer.

43. section 42 may be renumbered 43 but instead of the word "Infirmary" "Hospital" may be inserted.

Chapter IX.

Visits to and correspondence of prisoners.

44. Section 43 of the Mysore Act may be renumbered 44.

45. Section 44 of the Mysore Act may be renumbered 45.

Chapter X.

Offences in relation to prisoners.

46. Section 45 of the Mysore Act may be renumbered 46.

47. Section 43 of the British Act may be adopted and numbered 47, because no provision is made for arrest in the Mysore Act and this is absolutely necessary.

48. Section 46 of the Mysore Act may be renumbered 48. Figure 45 in the section may be altered to 46.

Chapter XI.

49. Section 47 of the Mysore Act may be renumbered 49.

Clause 11,.12,13,14,15 of section 45 of the British Act may be adopted as additional clauses and renumbered 12,13,14, and 16 respectively because their importance is self evident.

. Section 48 of the Mysore Act may be replaced by Section 46 British Act and numbered 50 but in clauses 4,6,7 instead of "Governor-General in Council" the words "Government of His - Highness the Maharaja " may be inserted and in clause 8 the w "six" may be replaced by " three " (Vide British Bill No.19 o 1925). Clause 11 may be repealed as cellular confinement is provided in clause 10 (Vide British Bill No.19 of 1925). In t oviso to clause 10 the last words "or solitary confinement" m be deleted. In clause 12 for the word "solitary" the word - "Cellular" may be substituted. Clauses 12 and 13 shall be rem -ed clauses 11 and 12 (british Bill No. 19 of 1925). It may stated that the punishments noted in the British Act are vari and numerous enough to enable the Superintendent to mete out punishments according as offences are trifling or serious.

. 1. Section 47 of the British Act may be introduced so as to prevent infliction of plurality of offences indiscriminately a numbered 51.1.

In exception 2 instead of the word "solitary" the word "cellul may be substituted. (British Bill No. 19 of 1925).

For exception 3 substitute the following (British Bill No.19 o

3.Cellular confinement shall not be combined with separate confinement so as to prolong the total of period of seclusion which the prisoner shall be liable. After exception 4 the fol ng exception shall be added (Bill No. 19 of 1925.)

5. No punishment shall be combined with any other punishmen n contravention of rules made by the Government of His Highne he Maharaja of Mysore.

To the said Section the following Sub Section shall be added British Bill No. 19 of 1925.)

No punishment shall be awarded for any such offence so as to combine with the punishment awarded for

two of the punishments which may not be awarded in combinati
for any such offences (Vide British Bill No.19 of 1925.)

2. Section 48 of the British Act may be adopted and numbered 52.

3. Section 49 of the British Act may be adopted and numbered 53.

4. (1,2,3) Section 50. 1,2,3 of the British Act may be adopted and numbered 54. All the above three Sections safeguard the interest of prisoners by preventing indiscriminately severe punishment.

5. Section 51 (1-2-3) of the British Act may be adopted and numbere 55 because this will clearly show the particular offence of a ce prisoner and his proclivities.

6. Section 49 of the Mysore Act may be renumbered 56.

7. Section 50 of the Mysore Act may be renumbered 57.

8. Section 53 (1-2-3) of the British Act may be adopted and numbere because under the Jail Manual this provision is not laid down an such it may be carried out by instalments quite contrary to the p visions of Section 394 - 2 Cr.P.C.

9. Section 51 of the Mysore Act may be renumbered 59.

Chapter XII.

0. Section 55 of the British Act may be adopted and numbered 60 beca this provision is necessary in the case of escape of prisoners er on extramural work.

1. Section 52 of the Mysore Act may be renumbered 61.

2. Section 53 of the Mysore Act may be renumbered 62.

3. Section 57. 1,2 of the British Act may be adopted and numbered 63

4. Section 60 of the British Act may be adopted in place of 54 and n 64 but in place of " the Local Goverrment" the words "The Governm of His Highness the Maharaja " may be substituted and the words " to the controlof the Governor-General in Council" may be deleted. provisions laid down in this act are necessary in as much as they l down the lines on which rules should be made.

Section 55 of the Mysore Act may be omitted.

5. Section 56 of the Mysore Act may be replaced by 62 of the British and numbered 65 as this section includes the Medical Officer also.

avl./12-8.

Inspector-General of Prisor

App.F.VI G1.]

SUBJECT.....

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*Diary No. of letter replied to* . . . . .

General and Revenue Secretariat

( )

*, the* . *192*

Date of issue 8-9-25

Signed by Mor. I. Sujaurkar
Asstt.

~~Copy of the Indian Emigration Act~~
~~as amended by Act~~ 1910
Do XIX of 1925

Emigrants Act, IX of 1894

The Emigrants (Amendment) Act, XVII of 1925

List of enclosures Nil
9

Copied by 24/9

Examined by .....

Section Pri

File No.

Serial No.

No. 8625

To The Asst Gal Emigrants
Delhi

Sir,

I am directed to
acknowledge the receipt of
copies of forwarded
by V. L. S. four copies
of each of the Bengal
notification regarding
publication of the recent
enactment and to say
that

Yours

8/9/25

for Chief

42
O. 42-7

OFFICE OF THE INSPR.-GENL. OF PR
IN MYSORE.

Dated Bangalore, 26 March 25 19

Dear Sir,

As desired in your D.O. letter No. P. Pris. dated the 24th instant, I return herewith, th of the Gazette of India dated 21st February 1925, c ing the Prisons Bill.

Yours Sincerely,

S. Srinivas

To

T. Singaravelu Mudaliar, Esqr., B.A., B.L.,
Assistant Secretary to Govt.,
G.R.S., Bangalore.

Dear
Kiarkis,

As desired in your D.O.
No. 45/47-07 dt 23.3.25, I herewith
send you the copy of Mr Gazette
dia dt 21.2.25 containing the
Stamp Bill, with a request that
same may be returned to this
Office immediately after perusal
as it is the only copy available in
the Secretariat. If necessary a typed
copy of the Bill may be sent by you
after returned

Yours sincerely,